



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Stuart Blackburn

Title:

DIGITAL SUBSCRIBER LINE USER CAPACITY ESTIMATION

Application No.: 10/766,314

Filed:

January 28, 2004

Examiner:

Shick C. Hom

Group Art Unit: 2666

Atty. Docket No.: 1033-NW1001

MS AMENDMENT **COMMISSIONER FOR PATENTS** PO Box 1450 Alexandria, VA 22313-1450

## INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

Dear Sir:

Pursuant to 37 C.F.R. § 1.56, § 1.97 and § 1.98, the undersigned brings the patents, publications, applications or other information identified in the attached:

Form(s) PTO/SB/08A and/or PTO/SB/08B or PTO/1449 Other: n/a

to the Examiner's attention in the above-identified application. Citation of such information shall not be construed as:

- 1. an admission that the information necessarily is, or corresponds to, prior art with respect to the instant invention:
- 2. a representation that a search has been made, other than as described below; or
- an admission that the information cited herein is, or is considered to be, material 3. to patentability as defined in § 1.56(b).

For each item of information listed that is not in the English language, the undersigned has provided a concise explanation of the relevance, such as through (i) an English language abstract, (ii) an English language equivalent application, (iii) reference to discussion in the application, or (iv) if cited in a search report or other action by a foreign patent office in a counterpart foreign application, an English language version of the search report or action that indicates the degree of relevance found by the foreign office.

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents on October

Molly K. Harrison

Typed or Printed Name

## STATEMENT UNDER 37 C.F.R. § 1.704(d)

If the above-identified application is an original application filed on or after May 29, 2000:				
iviay 2	D, 2000	each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement.		
		FEES DUE		
	This Ir	nformation Disclosure Statement is being filed:		
		within three months of the filing date of a national application or within three months of entry of the national stage as set forth in § 1.491 in an international application. Therefore, no fee is required.		
		before the mailing date of a first Office action on the merits or before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114. Therefore, no fee is believed required.		
		during the period specified in § 1.97(c). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application not more than three months prior to the filing of this Information Disclosure Statement.		
		during the period specified in § 1.97(c). Accordingly, the fee set forth in § 1.17(p) is required and provided as shown on the attached Fee Transmittal.		
		during the period specified in § 1.97(d). Accordingly, the fee set forth in § 1.17(p) is required and provided as shown on the attached Fee Transmittal. Additionally, each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application not more than three months prior to the filing of this Information Disclosure Statement		

Should any PTO fees be necessary for entry of this Information Disclosure Statement, the undersigned hereby authorizes the Commissioner to charge Deposit Account <u>50-2469</u>.

Respectfully submitted,

Date

Adam D. Sheehan, Reg. No. 42,146

Attorney for Applicant(s)

TOLER, LARSON & ABEL, L.L.P.

5000 Plaza On The Lake, Suite 265

Austin, Texas 78746

(512) 327-5515 (phone)

(512) 327-5452 (fax)

OCT 2 I 2005

Substitute for form 1449/PTO

Sheet 1

PTO/SB/08A (07-05)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE

STATEMENT BY APPLICANT (Use as many sheets as necessary)

Cor			
Application Number	10/766,314		
Filing Date	January 28, 2004		
First Named Inventor	Stuart Blackburn		
Art Unit	2666		
Examiner Name	Shick C. Hom		
Attorney Docket Number	1033-NW1001		

				DOCUMENTS	
Examiner Initials*	Cite No.1	Document Number  Number-Kind Code <sup>2 (# known)</sup>	Publication Date  MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A1	US- 5,280,483	01-18-1994	Kamoi, et al.	
	Bl	US- 5,764,961 .	06-09-1998	Bhat	
	C1	US- 6,424,657	07-23-2002	Voit, et al.	
	D1	US- 6.570,855	05-27-2003	Kung, et al.	
	El	US- 2004/0236547 A1	11-25-2004	Rappaport, et al.	
	F1	US-			,
	G1	US-			
	H1	US-			
	I1	US-			
	J1	US-			
	K1	US-			
	Ll	US-			
	M1	US-			
	N1	US-			
	01	US-			
	P1	US-			
	Q1	US-			
	R1	US-			
	SI	US-		•	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.1	Foreign Patent Document  Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (# known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	
						T⁵
	T1					
	U1					
	V1					
	W1					
	X1					
	Y1					

Examiner	Date	
Signature	Considered	_

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.